

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH NASCIMENTO,
Plaintiff,
v.
WELLS FARGO BANK, NA, et al.,
Defendants.

2:11-CV-1049 JCM (GWF)

ORDER

Presently before the court is plaintiff Joseph Nascimento's motion to reconsider this court's August 16, 2011, order denying his motion to enforce prohibition on state court proceeding. (Doc. #19). Defendant has not replied.

“Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *School Dist. No. 1J v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); see FED. R. CIV. P. 59(e); see also FED. R. CIV. P. 60(b).

22 The plaintiff fails to present any new law, new facts, or new evidence indicating that any of
23 the circumstances enumerated by the Ninth Circuit are present here. Although plaintiff filed an
24 additional brief with the Nevada Supreme Court on August 16, 2011, absent an affirmative showing
25 that the Nevada Supreme Court continues to knowingly issue orders in contravention of § 1446(d),
26 the court again declines to enjoin the state court.

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1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Joseph
3 Nascimento's motion to reconsider this court's August 16, 2011, order (doc. #19) be, and the same
4 hereby is, DENIED.

5 DATED September 29, 2011.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE